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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------|------------------------|
| 10/550,746 | 12/22/2006 | Bertil Damberg | 1824 | 6079 |
| 20576 | 7590 | 11/26/2008 | | |
| ALFRED J MANGELS 4729 CORNELL ROAD CINCINNATI, OH 452412433 | | | EXAMINER SHIN, KYUNG H | |
| | | | ART UNIT 2443 | PAPER NUMBER |
| | | | MAIL DATE 11/26/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,746

Applicant(s)

DAMBERG ET AL.

Examiner

Kyung Hye Shin

Art Unit

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date 2-16-07
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This application was filed on **9-24-2005**. Claims **1 - 7** are pending. Claim **1** is independent.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **1 - 5, 7** are rejected under 35 U.S.C. 102(e) as being anticipated by **Ludwig et al. (US Patent No. 6,816,904)**.

Regarding Claim 1, Ludwig discloses a method of sending large volumes of information to one or more personal computers or corresponding devices from a database or corresponding device, such information as a company's product line stored in connection with the company's home page or a portal, said method comprising the steps of:

connecting a personal computer (Ludwig col 10, ll 55-57: workstations conventional desktop based computer system; personal computer)) via a first communication network to a server operatively connected with a database (Ludwig col 12, ll 8-13: repository (database) for A/V file storage and processing), wherein

the database contains information that can be requested by a user (Ludwig col 9, ll 10-16: server responsive to requests from other CMCE elements (workstations (personal computers), servers) by way of the personal computer during a connection over the first communication network; (Ludwig col 7, ll 24-32: workstation based (personal computers) applications programs plus control software executing on the server (databases) that facilitate the exchange of multimedia information (large files) among workstations and servers; col 8, ll 6-14: relies on the data network (first communications network) to exchange digital information (multimedia (large) files)) providing a second, digital radio communication network having a high transmission speed and including a transmitter unit and a receiver unit, wherein the transmitter unit is connected with the server to receive and transmit requested information, wherein transmitted information is received by a receiver unit in the possession of the user; (Ludwig col 7, ll 46-49; col 8, ll 6-14: A/V network (second communications network) to facilitate analog (radio) signal exchange) providing requested information that is contained in the database with an identification code that is sent to the receiver unit to allow the receiver unit to analyze a received, digitally transmitted signal with regard to the identification code; (Ludwig col 17, ll 36-59: information to reflect current resource, request, message status; list of currently active request processing sessions) providing a proxy server connected between the personal computer and the server and also between the server and the transmitter unit; (Ludwig col 5, ll 25-32:

function as an internet proxy server; col 79, ll 1-9: proxy server for incoming file transfers; can be viewed at user workstations (personal computers))

transmitting from the proxy server collected information to one of the transmitter unit for transmission of the information via the second, digital radio communication network so that the information can be received in the receiver unit, and to the personal computer via the first communication network; (Ludwig col 9, ll 10-16: server responsive to requests from other CMCE elements (workstations (personal computers), servers; col 5, ll 25-32: function as an internet proxy server; col 79, ll 1-9: proxy server for incoming file transfers; can be viewed at user workstations (personal computers)) and

wherein when transferring requested information from the server via the second communication network to the receiver unit via the proxy server in response to a request for certain information to be transmitted to the personal computer from the server the proxy server fetches the requested information from the server and checks that the information is complete, stores complete collected information, and forwards the information to the transmitter unit. (Ludwig col 9, ll 10-16: server responsive to requests from other CMCE elements (workstations (personal computers), servers; col 5, ll 25-32: function as internet proxy server; col 79, ll 1-9: proxy-server for processing incoming file transfers (forwarding data) to user workstations for processing)

Regarding Claim 2, Ludwig discloses a method according to claim 1, including the steps of: transmitting requested information from the server to the receiver unit via the second, digital radio network and without a direct communication link from the personal computer to the server; and sending the requested information from the receiver unit to the personal computer. (Ludwig col 11, ll 12-19: real-time file transfer to workstations (personal computers); col 9, ll 10-16: network (radio) network distributes files under the direction of a server responsive to requests received from other CMCE elements (workstations, personal computers))

Regarding Claim 3, Ludwig discloses a method according to claim 1, including the step of selecting an information transmission network for transmitting requested information between the server and the personal computer prior to sending requested information from the server to the proxy server. (Ludwig col 12, ll 8-13: application programs initiate or generate requests direct to the AVSS (server) in response to user action; col 43, ll 48-55: a session may be established and resources (transmission network) reserved in a manner analogous to that described)

Regarding Claim 4, Ludwig discloses a method according to claim 1, including the step of transmitting requested information in the form of an information block that includes specific information requested by the personal computer. (Ludwig col 48, ll 54-65: request specifying a mode and mode specific parameters)

Regarding Claim 5, Ludwig discloses a method according to claim 1, including the steps of: transmitting requested information at one of given time points and as soon as possible; and sending from the proxy server to the personal computer a message as to when information requested by the personal computer will be sent. (Ludwig col 59, ll 8-19: notification of deliver of file transfer completion; col 79, ll 1-9: proxy-server used in files transfers; can be viewed at user workstation)

Regarding Claim 7, Ludwig discloses a method according to claim 1, wherein the first communication network is the Internet. (Ludwig col 11, l 66 - col 12, l 5: exchanging messages and A/V or multimedia files between AVSS and Internet; col 79, ll 1-6: connected with the Internet; gateway for incoming Internet video streams; proxy server for incoming video file transfers from the Internet)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig in view of Spaur et al. (US Patent No. 6,516,192).

Regarding Claim 6, Ludwig discloses a method according to claim 1, wherein the second, network is a radio communication network. (Ludwig col 8, ll 6-14: A/V network to facilitate analog (radio communications) signal exchange) Ludwig does not explicitly disclose digital radio communications. However, Spaur discloses wherein digital radio communications is a DAB radio network. (Spaur col 6, ll 33-46: information is transferred; different operating parameter values that relate to the transfer of information; digital audio broadcast (DAB) network communications)

It would have been obvious to one of ordinary skill in the art to modify Ludwig for digital radio communications as taught by Spaur. One of ordinary skill in the art would have been motivated to employ the teachings of Spaur in order to dynamically adapt to situations where the currently used network channel becomes unavailable or inappropriate and the transfer of information has not yet been completed. (Spaur col 2, ll 11-18: “... the system is able to dynamically adapt to situations where the currently used network channel becomes unavailable or inappropriate and the transfer of information has not yet been completed. ... the system is able to switch network channels within the course of a particular information transfer or session when it is determined that a more advantageous channel is now available. ...”)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung Hye Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L. Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyung Hye Shin
Examiner
Art Unit 2443

KHS
November 21, 2008

/Tonia LM Dollinger/

Supervisory Patent Examiner, Art Unit 2443